

U.S. Department of Labor Issues Additional Guidance on COVID-19 Employee Leave Laws

Article
03.31.2020

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Tomorrow (April 1), the Families First Coronavirus Response Act becomes effective and requires employers of 500 or less employees to provide paid sick leave and paid FMLA to all employees for certain qualifying reasons, most of which have been discussed in prior articles [here](#) and [here](#).

To assist employers and employees, the U.S. Department of Labor has issued very informative, easy-to-understand Questions and Answers which detail the applicability of the new employee leave laws and which cover many “real life” examples. The DOL’s Q&A document is a valuable and practical resource that employers will find useful, with information on the following topics:

- How small businesses which employ less than 50 employees can pursue an exemption to the Emergency Paid Sick Leave and Expanded (Paid) FMLA Leave requirements.
- Whether employees may take Emergency Paid Sick Leave or Expanded FMLA Leave intermittently [Spoiler Alert: The answer is “yes”].
- The expanded definition of “health care provider” for purposes of which employers are excluded from providing leave under the Emergency Paid Sick Leave and Expanded FMLA Leave laws.
- Employer record-keeping obligations.

Importantly, the Department of Labor has also issued a Field Assistance Bulletin to its Field Offices which temporarily suspends enforcement of these newly enacted employee leave laws until April 17, 2020 for covered employers who, in good faith, are making efforts to comply with the new obligations imposed upon them.